

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE ARCHITECT SECTION OF THE EXAMINING BOARD  
OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND LAND SURVEYORS

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JAMES H. BELL,	:	
RESPONDENT.	:	LS0704111ARC

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Division of Enforcement Case No. 06 ARC 014

The parties to this action for the purpose of Wis. Stats. §227.53 are:

James H. Bell  
368 E. MacArthur Street  
Sun Prairie, WI 53590

Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers, and Land Surveyors;  
Architect Section  
P.O. Box 8935  
Madison, WI 53708

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Architect Section (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James H. Bell (“Respondent”), date of birth April 11, 1938, was issued a registration as an Architect in the State of Wisconsin on August 28, 1970, having registration number 5-3234.
2. Respondent’s last reported address on file with the Department of Regulation and Licensing is 368 E. MacArthur Street, Sun Prairie, WI 53590.
3. Respondent’s Architect registration expired on July 31, 1988.
4. Respondent now seeks reinstatement of his Architect registration, pursuant to Wis. Admin. Code § A-E 2.05(2).

5. Respondent maintains that he did not become aware that his Architect credential was expired until April 2006, when he applied for licensure in another state through NCARB.
6. On July 29, 2006, Respondent submitted to the Department of Regulation and Licensing an application for credential reinstatement.
7. On November 8, 2006, the Architect Section reviewed Respondent's application for credential reinstatement and voted to defer a decision on Respondent's reinstatement and referred the matter to the Division of Enforcement to determine whether Respondent had engaged in the practice of architecture since the expiration of his Architect registration on July 31, 1988. A Division of Enforcement case was formally opened against Respondent on December 8, 2006.
8. Respondent asserts that the probable reasons for the lapse of his credential relate to his moving several times and not receiving any renewal notices, and his misunderstanding that he thought his employer had been processing and paying for his credential renewals.
9. The Department's practice and procedures relating to credential renewal is that a renewal notice is mailed to the licensee prior to the credential expiration at the last known address on file with the Department. If a licensee fails to renew his or her credential, the Department does not submit any further renewal notices to the licensee.
10. Respondent acknowledges that his claim of never receiving a renewal notice from the Department is not a valid legal defense for his failure to renew his Architect registration and acknowledges that it is his responsibility, and his alone, to keep his registration current under Wis. Stat. § 440.08(1).
11. From July 31, 1988, until April 2006, when Respondent discovered that his Architect registration was in expired status, Respondent was engaged in the practice of architecture. During this time period he was a "Project Architect" at Marshall Erdman & Associates. In that capacity his job duties included providing on-site inspections to ensure that construction is consistent with construction documents and assisting with the completion and distribution of record drawings.
12. Upon discovering in April 2006 that his Architect registration was in expired status, Respondent's job title has been changed to "Senior Project Manager" and in that capacity, he has not prepared or applied his Wisconsin architectural stamp to any documents and is working under the immediate supervision of another registered architect who is the Architect of Record on all projects.
13. The Section has reviewed Respondent's application for reinstatement of his Architect registration and has determined that Respondent meets the requirements of Wis. Admin. Code § A-E 2.05(2)(a) and is competent to practice Architecture in Wisconsin.

### CONCLUSIONS OF LAW

1. The State of Wisconsin Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 443.02(1) – (3), Wis. Admin. Code § A-E 2.05(2)(b) and Wis. Stat. § 227.44(5).
2. Wis. Stat. § 443.02(2) provides:  
  
**443.02 Practice requirements and registration: general provisions.**  
**(2)** No person may practice architecture . . . in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10(1)(d).
3. Wis. Stat. § 443.02(3) provides:  
  
**(3)** No person may offer to practice architecture . . . or use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect . . . unless the person has been duly registered or has in effect a permit under s.

## 4. Pursuant to Wis. Stat. § 443.01(5),

“Practice of architecture” includes any professional service, such as consultation, investigation, evaluation, planning, architectural and structural design, or responsible supervision of construction, in connection with the construction of any private or public buildings, structures, projects, or the equipment thereof, or addition to or alterations thereof, in which the public welfare or the safeguarding of life, health or property is concerned or involved.

## 5. Pursuant to Wis. Stat. § 443.01(8),

“Responsible supervision of construction” means a professional service, as distinguished from superintending of construction, and means the performance, or the supervision thereof, of reasonable and ordinary on-site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

6. Respondent’s practice of architecture, and using the title “Project Architect” while his registration has been expired is a violation of Wis. Stat. § 443.02(2) and (3).

## 7. Wis. Stat. § 440.08(1) provides:

**440.08 Credential Renewal. (1) Notice of Renewal.** The department shall give a notice of renewal to each holder of a credential at least 30 days prior to the renewal date of the credential. Notice may be mailed to the last address provided to the department by the credential holder or may be given by electronic transmission. Failure to receive a notice of renewal is not a defense in any disciplinary proceedings against the holder or in any proceeding against the holder for practicing without a credential. Failure to receive a notice of renewal does not relieve the holder from the obligation to pay a penalty for late renewal under sub.(3). (emphasis added)

8. Any claim by the Respondent that he failed to receive a notice of renewal for his Architect registration, or thought his employer was taking care of his renewal, is not a defense to his practicing architecture and holding himself out to the public as an architect without being registered.

### ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. Respondent James H. Bell, registration number 5-3234, be and hereby is **REPRIMANDED**.

2. Respondent shall, within sixty (60) days from the date of this Order pay the missed renewal fees for 1988, 1990, 1992, 1994, 1996, 1998, 2000, 2002 and 2004 plus 12% interest per year, totaling **EIGHT HUNDRED NINETY-ONE DOLLARS AND EIGHTY FIVE CENTS (\$891.85)**, and calculated as follows:

1988	\$33 renewal fee + (12% of \$33 x 19 years of interest) = \$33 + (\$3.96 x 19) =	\$108.24
1990	\$33 renewal fee + (12% of \$33 x 17 years of interest) = \$33 + (\$3.96 x 17) =	\$100.32
1992	\$41 renewal fee + (12% of \$41 x 15 years of interest) = \$41 + (\$4.92 x 15) =	\$114.80
1994	\$40 renewal fee + (12% of \$40 x 13 years of interest) = \$40 + (\$4.80 x 13) =	\$102.40
1996	\$46 renewal fee + (12% of \$46 x 11 years of interest) = \$46 + (\$5.52 x 11) =	\$106.72
1998	\$44 renewal fee + (12% of \$44 x 9 years of interest) = \$44 + (\$5.28 x 9) =	\$ 91.52
2000	\$49 renewal fee + (12% of \$49 x 7 years of interest) = \$49 + (\$5.88 x 7) =	\$ 90.16
2002	\$60 renewal fee + (12% of \$60 x 5 years of interest) = \$60 + (\$7.20 x 5) =	\$ 96.00
2004	\$60 renewal fee + (12% of \$60 x 3 years of interest) = \$60 + (\$7.20 x 3) =	\$ 81.69
TOTAL =		\$891.85

Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing,

and mailed to:

**Department Monitor**  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 261-7904

3. Respondent shall, within thirty (30) days from the date of this Order, pay **COSTS** of this proceeding in the amount of **THREE HUNDRED DOLLARS (\$300.00.)** Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to the Department Monitor at the address provided in the preceding paragraph.

4. IT IS FURTHER ORDERED that the Architect registration of James H. Bell, registration #5-3234, be, and hereby is, **REINSTATED**.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. In its discretion the Section may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs and renewal fees set forth above, Respondent's registration (#5-3234) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

#### **ARCHITECT SECTION**

By: Walter L. Wilson  
A member of the Section

4/11/07  
Date